United Nations CRC/C/ZMB/CO/2-4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second to fourth periodic reports of Zambia*

I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Zambia (CRC/C/ZMB/2-4) at its 2088th and 2090th meetings (see CRC/C/SR.2088 and 2090), held on 22 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party, which allowed for a better understanding of the situation of children's rights in the State party and notes the written replies to the list of issues (CRC/C/ZMB/Q/2-4), received at the day of the dialogue. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of/accession to the following instruments:

(a) The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption , acceded to in 2015;

(b) The Hague Convention on the Civil Aspects of International Child Abduction, acceded to in 2014;

(c) International Convention for the Protection of All Persons from Enforced Disappearance, ratified in 2011;

(d) Convention on the Rights of Persons with Disabilities, ratified in 2010;

(e) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified on 2 May 2006.

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

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4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Constitution of Zambia (Amendment) Act No. 2 of 2016;

(b) Persons with Disabilities Act No. 6 of 2012;

(c) Education Act No. 23 of 2011;

(d) Anti-Gender-Based Violence Act No. 1 of 2011;

(e) Anti-Human Trafficking Act No. 11 of 2008.

5. The Committee also welcomes the following institutional and policy measures:

(a) Sixth National Development Plan 2011-2015, in February 2011;

(b) Revised National Plan of Action and National Child Policy, in 2009.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

6. **The Committee recommends that the State party take all necessary measures to address its previous recommendations of 2003 (CRC/C/15/Add.206) that have not been implemented or not sufficiently implemented and, in particular, those related to the need to adopt and implement child-related legislation, raise the minimum age for criminal responsibility to an internationally acceptable level, address the high rate of child labour in the country, implement the prohibition of child marriage in practice, end violence and sexual exploitation, including abuse, neglect and maltreatment of children in Zambia, and consider ratifying a number of international human rights instruments.**

Legislation

7. The Committee welcomes the adoption of the Constitution of Zambia (Amendment) Act 2016 and the audit and review of all child-related legislation and customary law through the Zambia Law Development Commission. It notes that the provision on children's rights in the Constitution has still not been adopted. It is also concerned that the State party has still not enacted all the changes of the child-related legislation reviewed by the Zambia Law Development Commission .

8. **The Committee urges the State party to:**

(a) **Implement the new Constitution (Amendment) Act;**

(b) **Adopt the Bill of Rights;**

(c) **Expedite its efforts to adopt a comprehensive children's code;**

(d) **Strengthen its efforts to implement the Zambia Law Development Commission revisions and bring the existing legislation and customary law into conformity with the Convention.**

Comprehensive policy and strategy

9. The Committee welcomes the revision of the National Plan of Action and National Child Policy (2009) but remains concerned that:

(a) The Children's Code Bill has yet to be adopted;

(b) The National Child Policy has not been circulated and implemented, and the National Plan of Action has not been developed and budgeted for;

(c) The Sector Advisory Group meetings, designed to review how the child-related programmes are implemented, are not yet effective;

(d) There is not sufficient information on the results of the Sixth National Development Plan and no follow-up plan was established.

10. **The Committee reiterates its previous recommendation (CRC/C/15/Add.206, para. 10) and urges the State party to:**

(a) **Adopt the Children's Code Bill;**

(b) **Circulate and implement the National Child Policy and adopt the National Plan of Action;**

(c) **Provide sufficient human, technical and financial resources, as well as effective monitoring mechanisms, for the implementation of the National Child Policy and National Plan of Action;**

(d) **Collect information on the results of the Sixth National Development Plan with regard to the welfare and development of children and report on the results in its next periodic report.**

Coordination

11. The Committee takes note of the consultations towards the establishment of the National Council for Child Services and efforts to avoid duplication of coordinating activities but remains concerned that the Bill of Rights and the Children's Code Bill and their provisions regarding coordination have not yet been adopted. The Committee is further concerned at the lack of clarity of the mandate of the Ministries responsible for the implementation of the Convention.

12. **The Committee recommends that the State party make sure that the National Council for Child Services is fully functioning and provided with sufficient human, technical and financial resources to effectively coordinate all activities for the implementation of the Convention. The Committee further recommends that the State party clarify the mandates of the Ministries responsible for the implementation of the Convention.**

Allocation of resources

13. While noting that the budget allocation to sector ministries dealing with children has increased in the national budget and that the Sixth National Development Plan focuses on the health and education sectors, the Committee is concerned that social sector expenditures have been reportedly lower than the budget allocated. The Committee is further concerned at the reports of continuing corruption, which has a negative impact on the allocation of already limited resources for the promotion and protection of children's rights.

14. **The Committee recommends that the State party, in planning its future budgets, take into account its recommendations during the day of general discussion in 2007 on "Resources for the rights of the child — responsibilities of States" and, specifically, the following:**

(a) **Allocate adequate budgetary resources for children to the maximum extent possible in accordance with article 4 of the Convention and, in particular, increase budget and expenditure on the social sectors benefiting children;**

(b) **Define strategic budgetary lines for children in disadvantaged or particularly vulnerable situations (such as children in street situations) that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

(c) **Ensure transparent and participatory budgeting through public dialogue, especially with children, and proper accountability of local authorities;**

(d) **Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.**

Data collection

15. The Committee welcomes the launch of the Zambia Orphans and Vulnerable Children Management Information System (ZOMIS) and notes the State party's intention to create a national database on children, together with the United Nations Children's Fund and Reaching HIV/AIDS Affected People with Integrated Development and Support (RAPIDS). However, it reiterates its concern about the lack of information and inability to access disaggregated data about children in most areas covered under the Convention and the reported lack of resources, technical expertise and linkages between different sector-based management information systems.

16. **The Committee encourages the State party to set up a national database with the support of its partners, to provide it with sufficient human, technical and financial resources and to use the data collected and analysed as a basis for assessing progress achieved in the realization of children's rights and to help design policies and programmes to implement the Convention. The Committee recommends that the State party ensure that the information collected contain up-to-date data, allowing for disaggregation and analysis, on a wide-range of vulnerable groups including children living in poverty, children in street situations, children with disabilities and child labourers. The Committee also recommends that the State party take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.**

Independent monitoring

17. The Committee welcomes the establishment of the Office of the Commissioner for Children in 2009 but is concerned about the reports that the new Commissioner has not yet been appointed and that the effectiveness and the capacity of the Office are limited by a lack of adequate human, technical and financial resources, as well as weak public awareness of its existence and mandate. The Committee is also concerned at the lack of information on the activities of the Office of the Commissioner for Children, including on a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner.

18. **The Committee recommends that the State party appoint a Commissioner for Children without delay and provide the Office of the Commissioner for Children with adequate human, technical and financial resources to properly discharge its responsibility and effectively address children's rights violations. The Committee also recommends that the State party provide information on the activities of the Office of the Commissioner for Children, take measures to expeditiously establish a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner, and undertake awareness-**

raising activities to ensure better public awareness and access to all children, including at the local level.

Dissemination, awareness-raising and training

19. The Committee notes the initiatives of the State party in disseminating the provisions of the Convention through civil education in schools and among different governmental departments and police and prison officers and the translation of the Convention into seven widely spoken languages. However, the Committee is concerned that the Convention is still not sufficiently disseminated at the local level.

20. **The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children also at the local level, and to use creative tools for the dissemination of the Convention among illiterate people.**

Children's rights and the business sector

21. The Committee is concerned about the negative impact of the mining sector, in particular the activities of lead mining in Kabwe, on the rights of children, such as the right to health, development and play and their standard of living.

22. **In the light of the Committee's general comment No.16 (2013) on State obligations regarding the impact of business on children's rights, it recommends that the State party:**

(a) **Establish a clear regulatory framework for the mining industries operating in the territory of the State party to ensure that their activities do not negatively affect or endanger environmental and other standards, particularly those relating to children's rights;**

(b) **Undertake all necessary measures to protect the rights of the children in Kabwe, including by ensuring their consideration in all future lead mining activities, such as the new World Bank-funded environmental project;**

(c) **Ensure effective implementation by companies, especially mining companies, of international and national environmental and health standards and effective monitoring of implementation of these standards, and appropriately sanction and provide remedies when violations occur, as well as ensure that appropriate international certification is sought;**

(d) **Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and human rights-related impacts of their business activities and their plans to address such impacts;**

(e) **Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.**

B. Definition of the child (art. 1)

23. The Committee welcomes that the new Constitution (Amendment) Act defines a child as any person who has not attained the age of 18. However, the Committee is concerned that despite this and although the Marriage Act establishes the legal age of marriage as 21 years of age, there is still a persistent practice of child marriage in the State party.

24. **The Committee recommends that the State party:**

(a) **Take all necessary measures to expedite the adoption of the Bill of Rights and the Children's Code Bill in order to implement the definition of the child as any person who has not attained the age of 18 in accordance with the new Constitution and article 1 and other related principles and provisions of the Convention and to implement in practice the minimum age of marriage at 18 years;**

(b) **Adopt and implement the seven bills drafted under the criminal and correctional laws and repeal and replace the Juveniles Act with the Child Justice Administration Act;**

(c) **Provide adequate human, technical and financial resources for the review and audit process of child related legislation.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

25. The Committee notes with appreciation that some progressive provisions on non-discrimination in relation to children have been included in the new Constitution. However, the Committee is concerned that the principle of non-discrimination, particularly in relation to access to health, education services, discriminatory social and cultural practices, customary marriage disputes and inheritance, is not adequately implemented with respect to children belonging to the most vulnerable groups, such as girls, children with disabilities, children belonging to religious minorities, children living with HIV/AIDS, migrant and refugee children, orphans and children born out of wedlock.

26. **The Committee recommends that the State party ensure equal access to education, basic health care and other welfare services for all children. It also recommends that the State party intensify its efforts to eliminate discrimination against the most vulnerable groups of children, such as girls, children with disabilities, children belonging to religious minorities, children living with HIV/AIDS, migrant and refugee children, orphans and children born out of wedlock. It also recommends that the State party continue prioritizing the support for vulnerable children and youth in the next National Development Plan.**

Best interests of the child

27. The Committee notes that the Children's Code Bill and the National Child Policy include reference to the best interests principle. It is, however, concerned that the principle is not considered under customary law and by religious leaders in many areas of children's rights, particularly in rural areas in cases of inheritance, education and land allocation.

28. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority as well as traditional and religious leaders for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Respect for the views of the child

29. The Committee is concerned that that the views of the child are not solicited or taken into account in various settings concerning children, including in judicial and administrative procedures, at schools and at home, particularly on issues such as child marriage and sexual and reproductive health. It also notes that the Youth Parliament has not yet been established.

30. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right. To that effect, it recommends that the State party:**

(a) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, as well as in institutions and in judicial and administrative proceedings;**

(b) **Establish the Youth Parliament and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children's effective engagement with national legislative processes on issues that affect them.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

31. The Committee notes the measures that the State party put in place to promote free birth registration in the country. However, it remains concerned that the sub-system of birth registration has still not been developed and does not feed into the Integrated National Registration System. The Committee is also concerned that official registration is still not systematic, concerned about the low number of birth registration and the low rate of possession of a birth certificate, particularly in the rural areas, and concerned that groups of children, such as children born at home and refugee children, may be excluded.

32. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to develop and implement free birth registration procedures and issuance of birth certificates with a special focus on children in rural areas and marginalized groups of children, such as refugee children;**

(b) **Strengthen and expand mobile birth registration to reach universal coverage, particularly for registration of children in rural areas, refugee children and those who have never been registered;**

(c) **Take measures to decentralize the birth registration system and provide adequate human, technical and financial resources so that birth certificates can be processed and issued at the district and provincial levels;**

(d) **Increase public awareness about the importance of birth registration and the process by which children are registered.**

E. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Corporal punishment

33. The Committee notes with appreciation that the State party has outlawed corporal punishment in schools and in the prison system and that it has carried out a number of

awareness-raising activities. However, the Committee is concerned that corporal punishment is not expressly prohibited, that the Juveniles Act allows for the administration of lawful punishment and that corporal punishment is still practised in the family setting.

34. **In the light of its general comment No. 8 (2006) on corporal punishment, the Committee recommends that the State party ensure the full implementation of the Criminal Procedure Code (Amendment) Act No. 9 and Education Act No. 23 and that it explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family. The Committee further recommends that the State party repeal the "right to administer lawful punishment" in the Juveniles Act and intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline at all levels of society.**

Abuse and neglect

35. The Committee is concerned at the lack of sufficient measures, mechanisms and resources to prevent and combat domestic violence, abuse and neglect of children. It regrets the limited access to services for abused children and the high level of impunity enjoyed by the perpetrators of violence against children. It also remains concerned at the lack of comprehensive data on children suffering from ill treatment, abuse and neglect, and domestic violence, as well as the lack of information on the Child Protection Policy.

36. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

(a) **Take all necessary measures to ensure that child victims of violence receive psychosocial and recovery services and that they are aware of reporting procedures and encouraged to report cases of domestic violence, in particular child sexual abuse;**

(b) **Pay particular attention to and address the gender dimension of violence;**

(c) **Ensure that criminal legal procedures are systematically brought against the perpetrators of violence against children to eliminate impunity;**

(d) **Establish a national database on all cases of violence against children, including ill treatment, sexual abuse, child abuse and neglect and domestic violence.**

Sexual exploitation and abuse

37. The Committee notes with appreciation the enactment of the recent amendments to the Penal Code and Anti-Gender-Based Violence Act. However, the Committee expresses its grave concern at the following:

(a) The widespread incidents of sexual violence, including rape and defilement, in family, public institutions and detention centres;

(b) The lack of data on sexual abuse cases, and the reluctance of family and the general public to acknowledge the existence of sexual abuse;

(c) The fact that such violence appears to be socially tolerated in the family and society and is accompanied by a culture of impunity and unawareness that contributes to high levels of underreporting;

(d) The low rate of convictions for reported incidents of rape and defilement;

(e) The lack of any information on the State's provision of psychosocial support to child victims of rape and their families, including in the case of Clifford Dimba;

(f) The fact that marital rape is not explicitly recognized as a criminal offence in either the Penal Code or the new Anti-Gender-Based Violence Act.

38. **The Committee recommends that the State party:**

(a) **Prioritize and ensure adequate resources for the full implementation of the Anti-Gender-Based Violence Act and address comprehensive measures to address such violence;**

(b) **Collect data on sexual abuse cases and report on the data in the next periodic report;**

(c) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation;**

(d) **Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**

(e) **Ensure the development of programmes and policies for the prevention, protection, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;**

(f) **Take all the necessary measures to investigate and prosecute reported cases and to punish perpetrators without any exception for amnesty;**

(g) **Ensure that child rape victims and their families, including the child rape victim of the singer Clifford Dimba, are provided with psychosocial support and protected from stigmatization;**

(h) **Ensure adequate resources for the implementation of the Anti-Gender-Based Violence Act, expeditiously criminalize marital rape and strengthen training for the judiciary and law enforcement personnel and health-service providers.**

Harmful practices

39. The Committee is concerned about the widespread practice of child marriage in the State party.

40. **The Committee recommends that the State party disseminate the Marriage Act widely at the local level, particularly among traditional leaders, and undertake comprehensive awareness-raising campaigns on the provisions on the minimum age of marriage and on the negative consequences of child marriage on girls, targeting in particular parents, teachers and community leaders.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Children deprived of a family environment

41. The Committee welcomes the adoption of the Minimum Standards of Care for Child Care Facilities and the fact that the State party runs the Child Care Upgrading Programme, but is concerned about the situation of a number of children living with a single parent, orphaned children and child-headed families, and about the lack of a regulatory framework

for substitute care, lack of resources for foster parents, unawareness of the existing forms of alternative care and reportedly irregular inspections of the childcare institutions.

42. **The Committee recommends that the State party:**

(a) **Strengthen the capacity of the extended family and ensure adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care;**

(b) **Raise awareness and provide information about available foster services;**

(c) **Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

(d) **Ensure that adequate human, technical and financial resources are allocated to foster parents, alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible;**

(e) **Consider ratifying the Hague Convention on the Law Applicable to Maintenance Obligations of 1973.**

Adoption

43. The Committee notes that a formal adoption system is in place in the State party but remains concerned that:

(a) Adequate information about domestic and intercountry adoption has not been provided in the State party's report;

(b) Informal adoptions, which are generally not monitored with respect to the best interests of the child, are accepted and practised within the State party;

44. **The Committee recommends that the State party:**

(a) **Promote and encourage formal domestic and intercountry adoptions, in order to prevent abuse of the practice of informal adoption and protect the rights of children;**

(b) **Provide comprehensive information about adoption in its next periodic report.**

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

45. The Committee notes as positive the ratification of the Convention on the Rights of Persons with Disabilities in 2010, the adoption of the Persons with Disabilities Act No. 6 of 2012 and the adoption of the National Policy on Disability. However, it is concerned that:

(a) The legislation and the policy are not fully enforced, and the State party still needs to develop and implement a national plan of action;

(b) Insufficient measures have been adopted to ensure that children with disabilities fully enjoy their rights, in particular to health and education;

(c) There is a lack of comprehensive data on children with disabilities;

(d) Children with disabilities suffer from a high level of stigmatization;

(e) There is an inadequate number of specialized teachers and a limited number of school facilities and materials adapted for these children, as well as services and infrastructure to ensure that education is fully inclusive.

46. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Take all necessary measures to ensure the effective implementation of the existing legislation and take all necessary measures for the development and implementation of the national plan of action;**

(b) **Ensure that children with disabilities have access to inclusive early childhood care and education, early development programmes, health care and other services, and ensure such services receive adequate human, technical and financial resources;**

(c) **Collect and analyse data on the situation of all children with disabilities, disaggregated by, among other things, age, sex, type of disability, ethnic and national origin and geographic location;**

(d) **Develop and conduct awareness-raising activities with a view to changing the societal misconceptions about children with disabilities and eliminating stigmatization;**

(e) **Monitor and evaluate activities on targeting prevention of disability;**

(f) **Provide training for professional staff working with children with disabilities, such as teachers, medical, paramedical and related personnel and social workers, in order to understand the needs of children with disabilities;**

(g) **Ensure that education is fully inclusive and allocate appropriate human, technical and financial resources for fully inclusive education of children with disabilities;**

(h) **Ensure the participation of children with disabilities and their families in policy and programme planning, monitoring and evaluation.**

Health and health services

47. The Committee notes the State party's progress on the immunization rate and declining under-five, infant and maternal mortality. However, it is concerned that:

(a) Several national policies concerning health care as well as the social health insurance scheme have not yet been implemented;

(b) Health services and personnel remain inadequate in terms of coverage and quality;

(c) Reported under-five mortality, infant mortality and neonatal mortality rates remain high;

(d) The poor nutritional status of children remains one of the main underlying causes of child mortality;

(e) Under-five mortality is largely a result of preventable diseases, including pneumonia, malaria, diarrhoea, anaemia and malnutrition;

(f) Systematic data collection on breastfeeding is lacking in the State party's report.

48. The Committee draws the attention of the State party to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

(a) Develop and implement the revised National Health Policy and National Decentralization Policy, provide an assessment and follow-up of the National Health Strategic Plan 2011-2015 in order to facilitate improved service delivery, and provide an update on the social health insurance scheme legislation;

(b) Strengthen its efforts to allocate appropriate human, technical and financial resources to child health care;

(c) Strengthen new-born health interventions and skilled birth attendance and achieve a higher rate of antenatal care visits;

(d) Strengthen its efforts to further reduce infant and child mortality, especially by focusing on preventive measures and treatment, improved nutrition and sanitary conditions, vaccination uptakes, and the management of preventable diseases and malaria;

(e) Implement and apply the Office of the United Nations High Commissioner for Human Rights technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(f) Ensure that there are enough functional emergency obstetric neonatal care facilities, particularly in the rural areas and that health professionals receive adequate training;

(g) Strengthen its efforts to improve access to basic health-care services with trained health workers for all children and pregnant women, particularly in rural areas;

(h) Provide comprehensive information about breastfeeding in its next periodic report and promote exclusive breastfeeding of infants for the first six months of their lives.

Adolescent health

49. While noting that the State party has developed the Adolescent Reproductive Health Strategic Plan, the Committee regrets that the report does not provide further details on its implementation. The Committee is also concerned at the high number of teenage pregnancies and unsafe abortions, the lack of adolescent-sensitive and confidential counselling services and support, the difficult access for adolescent girls to reproductive health care and information, and inadequate functional emergency obstetric neonatal care facilities and untrained staff. The Committee is also concerned at the lack of information on the mental health programmes and services for adolescents in the State party.

50. Referring to its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:

(a) Improve adolescent girls' access to reproductive health-care and related services and increase support to reproductive health and family planning practices;

(b) Raise awareness among adolescents about the legislation on abortion, which allows them to seek safe abortions at health centres and provide them with access to health services for the management of complications arising from unsafe abortions;

(c) Scale up the efforts to increase knowledge of and access to affordable contraceptive methods, particularly among the adolescent boys, and ensure that adolescents, especially in the rural areas, have access to family planning information and services;

(d) Take measures to raise awareness of and foster responsible sexual behaviour, with particular attention given to boys and men;

(e) Ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent boys and girls, with special attention on preventing early pregnancy and sexually transmitted infections, particularly HIV/AIDS, and ensure access to confidential counselling;

(f) Provide information on mental health and counselling services available in the country and on how the State party ensures that they are accessible and sensitive to adolescents;

(g) In its next periodic report, collect information on the implementation of the Adolescent Reproductive Health Strategic Plan.

HIV/AIDS

51. The Committee notes that the State party expanded HIV and anti-retroviral (ARV) therapy, conducted paediatric HIV trainings, increased early infant HIV diagnosis, made significant progress in prevention of mother-to-child transmission of HIV and provided relevant national guidelines and training manuals. The Committee is, however, concerned at:

(a) The high prevalence of HIV/AIDS among children, in particular adolescents;

(b) That girls may be particularly susceptible to infection owing to the belief that intercourse with a virgin cures infection and due to the persistence of unequal power relations between men and women which may hamper the ability of women and girls to negotiate safe sexual practices;

(c) The shortage of personnel and the inadequate infrastructure and health-care facilities, especially in the rural areas.

52. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) Sustain the efforts towards the elimination of mother-to-child transmission of HIV and improve access and coverage of ARV therapy and prophylaxis for HIV-infected pregnant women;

(b) Improve, particularly for girls, access to free contraception, anonymous HIV screening, treatment, care, counselling and support services;

(c) Intensify efforts to reach adolescent boys in lowering HIV prevalence and increasing HIV testing and increase antiretroviral therapy coverage for HIV-positive adolescents;

(d) Ensure that children, civil society and people living with HIV participate in all stages of planning, implementation and monitoring of all actions related to HIV/AIDS;

(e) Take measures to combat the belief that intercourse with a virgin cures infections and unequal power relations;

(f) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;

(g) **Intensify and widen the HIV education, the training of medical staff, implementation of national guidelines and distribution of training manuals, and step up its efforts to ensure proper coverage for HIV testing and ARV provision throughout the country.**

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, leisure, recreation and cultural and artistic activities

53. The Committee welcomes the Education Act (2011) and efforts through policies and programmes such as the Free Basic Education Policy and the Early Childhood Care, Development and Education Policy, and the progress made in the enrolment, retention and progression of girls at the primary school level. However, the Committee is concerned at the following:

(a) The reported collection of general purpose funds and other fees and school charges through the parents/teachers associations, poor school infrastructure, lack of hygiene and long distances to schools, insufficiently trained teachers and inadequate budget allocation for education;

(b) Girls dropping out of school due to early marriage, teenage pregnancy, discriminatory traditional and cultural practices and poverty, especially in rural areas;

(c) Reported sexual abuse in schools by teachers;

(d) Lack of recreational activities organized for children during school time and the lack of leisure and playground spaces freely available to children.

54. **The Committee recommends that the State party:**

(a) **Fully implement the Education Act and all the education-related policies and allocate adequate financial, technical and human resources for their implementation;**

(b) **Ensure that primary education is free of charge in practice and free of other, additional costs in order to facilitate the participation of all children in primary education and monitor parents/teachers associations to ensure that no fees are imposed on children to attend school;**

(c) **Expand teacher training activities and ensure that all teachers undergo continuous and intensive in-service training and periodic evaluation, with particular emphasis on rural areas, and invest sufficient resources to provide adequate school facilities, sanitation, materials and salaries;**

(d) **Take steps to overcome discriminatory traditional attitudes that can constitute obstacles to girls' education, address the drop-out and retention rates of girls and reinforce readmission policy for pregnant girls, particularly in rural areas;**

(e) **Take appropriate measures to address any charges of sexual abuse in schools and prosecute perpetrators;**

(f) **Encourage the participation of children at all levels of the educational system;**

(g) **Organize sports activities as part of the regular curricula, in accordance with the Committee's general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and ensure that children, girls in particular, have time for leisure and play, as well as free access to playground spaces;**

(h) **Collect statistical data on the enrolment and completion rate of the relevant age groups in pre-primary, primary and secondary schools, the number of dropouts and repetitions and the teacher-to-pupil ratio, all disaggregated by sex and age.**

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking and refugee children

55. The Committee notes that the Parliament was supposed to consider the Refugee Bill in 2013. The Committee is concerned that the current Refugee (Control) Act of 1970 does not provide specific protection for refugee children nor refugee status determination in the case of unaccompanied and separated children. The Committee is also concerned about the difficult social situation of the refugees and their families in areas such as health and education.

56. **The Committee recommends that the State party expedite the adoption of the Refugee Bill and strengthen the legal protection of refugee children. The Committee also urges the State party to provide refugee children with access to social services, such as health and education.**

Economic exploitation, including child labour

57. The Committee notes the enactment of the Employment of Young Persons and Children (Amendment) Act No.10 of 2004. However, it is concerned that under the State party regulation that allows children aged 13 to 15 to engage in light work, they undertake work which is reportedly not light and that interferes with children's education, and is concerned at the limited initiatives to combat child labour. The Committee is concerned that the labour inspectorate and police lack adequate funds and qualified staff to regularly carry out their mandates. It is also concerned that there are no reliable data on child labour available in the State party.

58. **The Committee urges the State party to:**

(a) **Step up its efforts to bring an end to all forms of child labour and take all necessary measures for the protection, rehabilitation and reintegration of children;**

(b) **Fully implement ILO Conventions No. 138 and 182 by adopting, implementing and monitoring the implementation of regulations which permit employment in light work only by children who have reached 13 years of age and strictly determine and monitor the type of activities considered and practised as light work;**

(c) **Define and monitor hazardous work prohibited for persons under 18 years of age;**

(d) **Allocate sufficient financial, technical and human resources for labour inspection and the police in order to fully, regularly and effectively implement the child laws and policies and prosecute any violations related to child labour;**

(e) **Undertake research and collect data on the extent, nature, root causes and impact of child labour in the State party in order to develop preventive and remedial strategies.**

Children in street situations

59. The Committee notes with appreciation that the State party revised its National Youth Policy and National Child Policy to improve the well-being of children, provided training for the police officers and established rehabilitation children's centres in Lusaka and Copperbelt Province. However, the Committee remains concerned at the limited access of children in street situations to health, education and other basic social services and their vulnerability to abuse and exploitation. It is also concerned about the lack of reliable data on children in street situations.

60. **The Committee reiterates that the State party:**

(a) **Take all effective measures to ensure that children in street situations are provided with adequate food, clothing, housing, health care and educational opportunities, including vocational and life skills training, to support their full development;**

(b) **Provide these children with preventive, recovery and reintegration services throughout the country;**

(c) **Provide necessary support to families in order to prevent children from going to the streets;**

(d) **Collect data on children in street situations and identify and address root causes.**

Sale, trafficking and abduction

61. The Committee notes with appreciation the enactment of the Anti-Human Trafficking Act No. 11 of 2008 and other efforts of the State party aimed at addressing trafficking of children. However, the Committee is concerned that there is an increasing number of child victims of commercial exploitation, including prostitution, especially girls and children in disadvantaged situation. The Committee regrets the absence of statistical data on the number of child victims of trafficking for purposes of economic exploitation and prostitution. The Committee also regrets that the State party report did not provide more information on the child-specific work of the Committee on Human Trafficking and the national plan of action against human trafficking.

62. **The Committee recommends that the State party:**

(a) **Fully and effectively implement the legislation on trafficking;**

(b) **Ensure effective investigations of cases of sale, trafficking and abduction of children and the prosecution and sanctioning of the perpetrators;**

(c) **Collect information on the child-specific mandate and work of the Committee on Human Trafficking and of the national plan of action against human trafficking and provide information in the next State party periodic report;**

(d) **Take all necessary measures to ensure referral, assistance and protection of victims of trafficking, sale and abduction, and provide a multisectoral approach to the provision of social services, including the provision of temporary safe housing and gender-sensitive and psychological recovery to the victims;**

(e) **Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to offer maximum legal protection to children in the context of sale, trafficking and abduction;**

(f) **Collect data on trafficking of children and identify and address the root causes.**

Administration of juvenile justice

63. The Committee notes the establishment of Arrest, Reception and Referral Services, the Child-Friendly Court and the diversion programme, and the Witness Management Fund, but remains concerned about the following:

(a) The minimum age of criminal responsibility is set at the very low age of 8 years;

(b) Detention of children is not used as a last resort;

(c) There is no specific law that provides for diversion;

(d) Children are not guaranteed legal representation in judicial proceedings;

(e) Police stations and prisons largely still do not have separate cells for children, and children are not adequately provided with education, health and recreation facilities;

(f) The Department of Social Welfare, mandated to provide probation services, has inadequate financial and human resources;

(g) The current legislation does not recognize children of incarcerated mothers;

(h) There is a lack of information on the work and procedures of the fast-track courts;

(i) There is an absence of statistical data on the number of children who came in conflict with the law.

64. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to do the following:**

(a) **Raise the age of minimum criminal responsibility in accordance with the Committee's general comment No. 10;**

(b) **Ensure that detention is applied as a measure of last resort, not for petty offences, and for the shortest time possible and is reviewed on a regular basis with a view to withdrawing it;**

(c) **Regularize diversion as part of the child justice legislation and provide more and wider and more systematic diversion services for alternative sentencing;**

(d) **Ensure that the right of children to legal representation or other appropriate assistance is guaranteed and that the Legal Aid Board is adequately empowered with financial and human resources in order to establish a department for juvenile representation;**

(e) **Take all necessary measures to always separate children from adults in pretrial detention places and in prison all over the country;**

(f) **Ensure that all children deprived of liberty have access to education, health and recreation facilities;**

(g) **Provide the Department of Social Welfare with adequate financial and human resources to enable it to provide probation, aftercare services and a tracking system to monitor the reoffending by juveniles;**

(h) **Provide appropriate and adequate services and facilities in prisons for children of incarcerated mothers and legalize their situation;**

(i) **Provide information on the mandate, procedures and nature of cases before the fast-track courts;**

(j) **Provide statistical data on the number of children that come into conflict with the law and the types of offences, the status of the cases and the number of investigations, prosecutions and convictions of perpetrators, specifying the defilement cases, for the last three years.**

Child victims and witnesses of crimes

65. The Committee is concerned that the child victim can be seen by the perpetrator during the criminal procedure.

66. **The Committee recommends that the State party:**

(a) **Provide protection to the child victim during the trial, including by not exposing him or her to the perpetrator, and repeal the legislation that currently allows for the perpetrator to see the child victim;**

(b) **Consider the possibility of using audio and video recording of witness testimony in every phase of the proceedings, as well as using the recording as a replacement for witness testimony at trial and/or the simultaneous audiovisual transmission of witness testimony.**

J. Ratification of the Optional Protocols to the Convention

67. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

K. Ratification of international human rights instruments

68. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the Optional Protocol to the International Convention on the Elimination of all Forms of Racial Discrimination, the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

L. Cooperation with regional bodies

69. **The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on**

the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

IV. Implementation and reporting

A. Follow-up and dissemination

70. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.**

B. Next report

71. **The Committee invites the State party to submit its fifth to seventh periodic reports by 4 January 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

72. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).**